



Albuquerque-Santa Fe Federal Executive Board
Shared Neutrals Program

PRE-MEDIATION QUESTIONNAIRE

PERSONAL DISPUTE CLARIFICATION TOOL

**NOTE: This Questionnaire is for your use in preparing for mediation.
Do not submit it to the mediators.**

Many disputes have a prior history of an amicable relationship. This is especially true in business environment disputes. Filing a formal grievance, EEO complaint, or and other type of litigation will likely have a serious impact on continued relations. If you are already involved in litigation you may have experienced the impact of the adversarial proceeding, financially and emotionally.

This is a tool for self-assessment, not for the mediator's judgment. Success in mediation is dependent upon preparation. Your answers determine whether the mediation process can fulfill your need. If a victory is absolutely required, you might consider proceeding with a formal grievance, EEO complaint or litigation.

The process of coming up with answers to these questions may stimulate new avenues of thought. Taking the time to reflect on your answers to these questions, before you see a mediator, may help you see why you are on this particular path. You may share this with the other party if you wish.

1. Within your understanding, briefly, what are the issues in dispute?

a. _____

b. _____

c. _____

d. _____

2. What is your position on these issues?

a. _____

- b. _____

- c. _____

- d. _____

3. Are there any areas where you agree or are close to agreement with the other party(ies)?

4. What are the areas of greatest disagreement?

5. In the areas of disagreement, what criteria will you use to judge the merits of your claims and the other party's claims?

6. What can you identify as possible resolutions to this dispute, whether or not you would favor them?

7. What are the most important points an agreement must have to satisfy you and why are they important?

8. What do you believe are the most important points to the other party?

9. Where you have different ideas on how things should be done, do you have anything to support your belief such as policies/procedures, notes, receipts, witnesses, photos, etc.?

10. Are there areas or items you are not willing to discuss?

11. If we do not arrive at an agreement and you go to a formal grievance or EEO Complaint:

a. What do you think could be your best result?

b. What do you think could be your worst result?

12. Please indicate which of the following statements are more important to you.

a. an immediate solution even if it is less than I would like ☐

or,

b. a big win even if I have to wait a few years ☐

c. ending the conflict quickly ☐

or,

d. pursuing my position at all costs ☐

e. exercising some control over the outcome now ☐

or,

- f. having a superior or judge decide the outcome in the future ☐

Which of the above statements is the most important and which is the least important to you?

Most important _____ least important _____

13. If this goes to a formal grievance, EEO formal complaint or civil action, what are all the issues you believe will be disputed?

14. Do you have any suggestions as to what the mediator might do that would help bring about an early resolution of this dispute?

15. Is there any other information that might have a bearing on this matter?
